

REMARKS

Applicants respectfully request further examination and reconsideration in view of the instant response. Claims 1-27 are pending. Claims 1-27 are rejected. Claims 1, 10 and 22 are amended herein. No new matter has been added as a result of the amendments. Support for the amendments can be found in the instant specification at least at paragraphs page 25, lines 1-14.

35 U.S.C. § 101

Claims 1-9

Applicant understands the instant Office Action to assert that independent Claim 1 is non-statutory because the claimed no physical limitations are present in Claims 1-9. Applicant respectfully submits that independent Claim 1, as amended herein, is directed to patentable subject matter.

Applicant respectfully directs the Examiner to independent Claim 1 that recites that an embodiment of the present invention is directed to (emphasis added):

A computer implemented method for servicing streaming media comprising:
receiving, at said computer system, said streaming media;
determining, at said computer system, an allocation of available processing and memory resources;
performing, at said computer system, a multi-stage service on said streaming media; and
caching, at said computer system, an intermediate result from one of the stages of said multi-stage process, said result selected according to said available processing and memory resources.

Applicant respectfully submits that Claim 1 recites a “computer implemented method” in which the method steps are performed at a computer

system. Applicant understands *In re Bilski* (88 USPQ 2d 1385 CAFC (2008)) to hold that a process under 35 U.S.C. §101 must (1) be tied to a machine or (2) transform underlying subject matter.

In particular, Applicant respectfully submits that the method as recited in Claim 1 is tied to a particular machine as required under *In re Bilski*. Therefore, Applicant respectfully submits that Claim 1 is directed toward patentable subject matter, and thus overcomes the rejection under 35 U.S.C. §101. Moreover, Applicant respectfully submits that Claims 2-9 that depend from independent Claim 1 also overcome the rejection under 35 U.S.C. §101 as being dependent on Claim 1 that overcomes the instant rejection.

Claims 10-18

Applicant further understands the instant Office Action to assert that there are no physical limitations present in Claims 10-18. Applicant respectfully submits that independent Claim 10, as amended herein, is directed to patentable subject matter.

Applicant respectfully directs the Examiner to independent Claim 10 that recites that an embodiment of the present invention is directed to (emphasis added):

A non-transitory computer readable storage medium having computer readable code embodied therein for causing a computer to perform operations comprising:
 receiving said streaming media at said computer;
 determining, with said computer, an allocation of available processing and memory resources;
 performing, with said computer, a multi-stage service on said streaming media; and

caching, with said computer, an intermediate result from one of the stages of said multi-stage service, said result selected according to said available processing and memory resources.

Applicant respectfully submits that Claim 10 recites a “non-transitory computer readable storage medium” to which functional descriptive material is structurally and functionally interrelated. Therefore, Applicant respectfully submits that Claim 10 is directed toward patentable subject matter, and thus overcomes the rejection under 35 U.S.C. §101. Moreover, Applicant respectfully submits that Claims 11-18 that depend from independent Claim 10 also overcome the rejection under 35 U.S.C. §101 as being dependent on Claim 10 that overcomes the instant rejection.

35 U.S.C. § 102(e)

According to the instant Office Action, Claims 1-7, 10-16 and 19-25 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7292602 by Liu et al., hereinafter referred to as “Liu.” Applicant has reviewed the asserted art and respectfully submits that the embodiments as recited in Claims 1-7, 10-16 and 19-25 are not anticipated by Liu for at least the following rationale.

Applicant respectfully directs the Examiner to independent Claim 1 that recites that an embodiment of the present invention is directed to (emphasis added):

A computer implemented method for servicing streaming media comprising:
 receiving, at said computer system, said streaming media;
 determining, at said computer system, an allocation of available processing and memory resources;
 performing, at said computer system, a multi-stage service on said streaming media; and

aching, at said computer system, an intermediate result from one of the stages of said multi-stage process, said result selected according to said available processing and memory resources.

Independent Claims 10 and 19 include similar recitations. Claims 1-7 that depend from independent Claim 1, Claims 11-16 that depend from independent Claim 10, and Claims 20-25 that depend from independent Claim 19 also include these recitations.

MPEP §2131 provides:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). ... “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

Applicant respectfully submits that the rejection of the Claims is improper as the rejection of 1-7, 10-16 and 19-25 does not satisfy the requirements of a *prima facie* case of anticipation as claim embodiments are not met by the asserted art. Applicant respectfully submits that Liu does not teach or suggest the claimed embodiments in the manner set forth in independent Claims 1, 10 and 19.

Applicant respectfully submits that Liu does not disclose “A computer implemented method for servicing streaming media comprising . . . caching, at said computer system, an intermediate result from one of the stages of said multi-stage process, said result selected according to said available processing

and memory resources” (emphasis added) as recited in independent Claim 1, and the similar embodiments of independent Claims 10 and 19.

Applicant understands Liu to teach a “systems and methods to efficiently distribute bandwidth in a channel among multiple bitstreams” (Fig. 2; column 4, lines 27-29). In particular, Liu discloses a “bit rate converter apparatus [that] transcodes video data in one or more of the incoming bitstreams” (column 6, lines 63-65). Moreover, Liu discloses that “[i]f the channel bandwidth is not enough to meet delivery needs for all the incoming video data, rate reduction is used to decrease the bandwidth requirement to meet the available bandwidth” (column 12, lines 5-7). The instant Office Action indicates that “caching an intermediate result from one of the stages of said multi-stage process, said result selected according to said available processing and memory resources” is disclosed in Liu at Fig. 2 (instant Office Action, page 3, paragraph 1).

Applicant submits that reducing the rate of incoming data based on channel bandwidth is very different from “caching an intermediate result from one of the stages of said multi-stage process, said result selected according to said available processing and memory resources” as claimed. Applicant submits that “caching an intermediate result from one of the stages of said multi-stage process, said result selected according to said available processing and memory resources” as claimed is not disclosed in Figure 2 of Liu, or anywhere else in the file of Liu. Moreover, Applicant respectfully submits that Liu is silent to “caching an intermediate result from one of the stages of said multi-stage process, said result selected according to said available processing

and memory resources” as is recited in Claim 1 and similarly in Claims 10 and 19.

In summary, Applicant respectfully submits that the rejections of the Claims are improper as the rejection of Claims 1, 10 and 19 does not satisfy the requirements of a *prima facie* case of anticipation as the claims are not met by the asserted art.

Applicant respectfully submits that Liu also does not teach or suggest the additional claimed features as recited in Claims 2-7, that depend from independent Claim 1, Claims 11-16 that depend from independent Claim 10, and Claims 20-25 that depend from independent Claim 19. Therefore, Applicant respectfully submits that Claims 2-7, 11-16 and 20-25 also overcome the rejection under 35 U.S.C. § 102(e), and are in a condition for allowance as being dependent on an allowable base claim.

35 U.S.C. § 103(a)

The instant Office Action states that Claims 8, 9, 17, 18, 26 and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Liu in view of U.S. Patent No. 6,999,512 by Yoo et al., hereinafter referred to as “Yoo.” The Applicant has reviewed Liu and Yoo and respectfully submits that the embodiments recited in Claims 8, 9, 17, 18, 26 and 27 are patentable over Liu in view of Yoo for at least the following rationale.

Claims 8 and 9 are dependent on independent Claim 1 and include the recitations of Claim 1. Claims 17 and 18 are dependent on independent Claim 10 and include the recitations of Claim 10. Claims 26 and 27 are dependent on

independent Claim 19, and include the recitations of Claim 19. Hence, by demonstrating that Liu and Yoo do not show or suggest the embodiments of independent Claims 1, 10 and 19, it is also demonstrated that Liu and Yoo do not show or suggest the embodiments of Claims 8, 9, 16, 18, 26 and 27.

“As reiterated by the Supreme Court in *KSR*, the framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). Obviousness is a question of law based on underlying factual inquiries” including “[a]scertaining the differences between the claimed invention and the prior art” (MPEP 2141(II)). “In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious” (emphasis in original; MPEP 2141.02(I)). Applicant notes that “[t]he prior art reference (or references when combined) need not teach or suggest all the claim limitations, however, Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art” (emphasis added; MPEP 2141(III)).

Applicant respectfully submits that Liu does not disclose:

A computer implemented method for servicing streaming media comprising:
receiving, at said computer system, said streaming media;
determining, at said computer system, an allocation of available processing and memory resources;
performing, at said computer system, a multi-stage service on said streaming media; and
caching, at said computer system, an intermediate result from one of the stages of said multi-stage process, said result

selected according to said available processing and memory resources.

(emphasis added) as recited in independent Claim 1, and the similar embodiments of independent Claims 10 and 19.

As discussed above, Applicant understands Liu to disclose “systems and methods to efficiently distribute bandwidth in a channel among multiple bitstreams” (Fig. 2; column 4, lines 27-29). In particular, Liu discloses that “[i]f the channel bandwidth is not enough to meet delivery needs for all the incoming video data, rate reduction is used to decrease the bandwidth requirement to meet the available bandwidth” (column 12, lines 5-7). Applicant respectfully submits that Liu does not teach, describe or suggest “caching an intermediate result from one of the stages of said multi-stage process, said result selected according to said available processing and memory resources” (emphasis added) as claimed. Applicant submits that Liu is silent to, and does not suggest the claimed embodiments.

Moreover, Yoo does not address the deficiencies found in Liu. As understood by the Applicant, Yoo discloses a: transcoding method and apparatus for converting a digital bitstream complying with a certain compression method into a digital bitstream complying with a different (or the same) compression method” (Abstract). In particular, Applicant respectfully submits that Yoo does not teach, describe, or suggest “caching an intermediate result from one of the stages of said multi-stage process, said result selected according to said available processing and memory resources” (emphasis added) as recited in independent Claim 1. Unlike Yoo, which teaches “a transcoding apparatus applied to moving picture expert group (MPEG)-1

compression” (column 4, lines 10-13), independent Claim 1 recites “caching an intermediate result from one of the stages of said multi-stage process, said result selected according to said available processing and memory resources.”

Accordingly, Applicant respectfully asserts that Liu in view of Yoo does not teach, disclose or suggest the claimed embodiments of the present invention as recited in independent Claim 1, and the similar embodiments of Claims 10 and 19, that these claims overcome the rejection under 35 U.S.C. § 103(a), and that these claims are thus in a condition for allowance. Applicant respectfully submits that Liu in view of Yoo also does not teach or suggest the additional embodiments as recited in Claims 8 and 9 that are dependent on independent Claim 1, Claims 17 and 18 that are independent on Claim 10, and Claims 26 and 27 that are dependent on Claim 19. Therefore, Applicant respectfully submits that Claims 8, 9, 17, 18, 26 and 27 also overcome the rejection under 35 U.S.C. § 103(a), and are in a condition for allowance as being dependent on allowable base claims.

CONCLUSION

In light of the above listed amendments and remarks, reconsideration of the rejected claims is requested. Based on the arguments and amendments presented above, it is respectfully submitted that Claims 1-27 overcome the rejections of record. Therefore, allowance of Claims 1-27 is respectfully solicited.

Should the Examiner have a question regarding the instant amendment and response, the Applicant invite the Examiner to contact the Applicant's undersigned representative at the below listed telephone number.

Respectfully submitted,
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